

Atty. Docket 24347-051 US
USSN 09/845,016**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED
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Inventors: Jacques M. Dulin, et al.

Examiner: Jacques H Louis-Jacques
Primary Examiner, GAU 3661

JAN 14 2004

Application SN: 09/845,016

GAU: 3661

Date Filed: April 27, 2001

Tel: 703 - 305 - 9757

For: **HOT VEHICLE SAFETY SYSTEM AND METHODS OF PREVENTING
PASSENGER ENTRAPMENT AND HEAT SUFFOCATION**

Response Filed by Fax to: 703 - 305 - 7687 Date Faxed: January 14, 2004

Certification under 37 CFR 1.8 and 1.6 (d)
Facsimile Date: January 14, 2004 Facsimile No: 703 - 305 - 7687 Total Pages: 13
I hereby certify that the correspondence attached hereto is being transmitted under 37 CFR 1.6(d),
on the above stated date to the U.S. Patent and Trademark Office sent to the above facsimile number.

Name: Jana L. Dulin

Signature: *Jana L. Dulin*

SUPPLEMENTAL RESPONSE TO FINAL REJECTION
Record of Telephone Interview of January 14, 2004
RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION

MAIL STOP AFAssistant Commissioner for Patents
P O Box 1450
Arlington, VA 22313-1450In event Fax # is inoperable,
Express Mail # will be EL 994 805 401 US

Sir:

Section 1, Introduction:

This supplements the Response to the Final Rejection, filed Sept 26, 2003 and sets forth the agreements between the Examiner and undersigned counsel for claim amendments that places this case into complete condition for allowance pursuant to the telephone interviews of January 14, 2004.

The Petition filed on Sept 26, 2003 was granted on December 3, 2003. It is Applicants' understanding that the Response to the Final Rejection filed along with the Petition was not forwarded to the Examiner or GAU 3661 as was requested. Please note that undersigned counsel's office attempted to fax 3 times to the fax number 703-305-7687 on September 25 and 26, 2003 and received notice of poor line condition on each attempt. Please see the attached copy of our fax cover sheet of Sept 26, 2003. Accordingly, if we fax this paper today to the same number and it does not go through due to reception problems, it is beyond our control, and no revival fee should be required. No abandonment of this case

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or the subject matter is intended.

Request for Extension of Time:

Counsel for Applicants notes that the Petition Branch advised us in September that the Petition fee paid in this case (\$1300) buys any extension of time necessary for the Patent Office to adequately handle this case within the 6-month Statutory period. Accordingly, it is Applicants' view that no extension of time fee is owed.

Further, the reported mistiling in the Patent Office of the Response to Final Rejection caused additional delay of 5 weeks. This case should have been picked up and handled well before today. For the record, the Examiner's courtesies in locating the missing Response and reviewing the claims and according an Interview today is very much appreciated, and goes well beyond the call of duty. However, Applicants should not be financially penalized by having to pay an additional extension of time fee of 3 months due to the PTO delays and loss of the Response paper that was timely filed Sept 26, 2003.

However, in the event that an extension of time is required to keep this case alive beyond the 3-month time for response to the outstanding Final Rejection, Applicants herewith request a 3-month extension of time under Applicants' status as a Large Entity (\$950). Any required extension fees are hereby authorized to be charged to Deposit Account 04-1699 of undersigned counsel. Please identify any extension fee transaction with counsel's docket number 24347-051US to facilitate our record keeping.

Record of Telephone Interview:

Applicants make of record the telephone Interviews between Applicant's undersigned counsel and the Examiner on January 14, 2004, at which time it was agreed that the amendments to the claims, submitted in Section 2 below, place the case in complete condition for allowance. At the Examiner's request, Applicants are providing this Supplemental Response, on the understanding that no Notice of Appeal will be required.

Response to Restriction Requirement:

The Examiner, in the interview of today, made a new Restriction Requirement as between Group 1, Claim 53 and the remaining pending claims in the case, Group II. Applicants elect Group II without prejudice to filing a second Divisional case thereto, and cancel Claim 53 to place the case in immediate condition for allowance.

End of Section 1, Introduction.